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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,631	06/26/2006	Thomas Gessner	292331US0PCT	6111
22850 7590 06/11/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER MCDOWELL, BRIAN E				
ART UNIT		PAPER NUMBER		
1624				
NOTIFICATION DATE		DELIVERY MODE		
06/11/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## **DETAILED ACTION**

### ***Status of Claims***

Claims 1-17 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

**The 103 rejection of claims 1-17 is still maintained for the reasons stated previously on record and herein.**

Applicant's arguments of claims 1-17, see Remarks, filed 5/27/2009, with respect to the rejection set forth in the Final Office Action mailed 3/16/2009, have been fully considered but are not found persuasive.

As mentioned previously, Brach *et al.* disclose a process for preparing metal-free phthalocyanines by heating a phthalonitrile and ammonia in an inert organic solvent (see pg 1404, first paragraph). However, Brach *et al.* does not teach this process using an alkali metal carbonate, alkali metal hydroxide, or combinations thereof.

Tamura *et al.* remedies the deficiency by teaching that metal-free phthalocyanines can be prepared by taking a phthalonitrile and heating it in an inert organic solvent in the presence of amines such as ammonia and an alkali metal source such as sodium or potassium hydroxide. Subsequently, the phthalocyanines are contacted with a hydrogen-substituting agent such as methanol to give the metal-free compound (see page 8, lines 4-7). The examiner also would like to point out that applicant's claimed invention also involves contacting the crude phthalocyanine with methanol (see specification, page 6, line 15).

Thus, it would have been *prima facie* obvious at the time the invention was conceived to modify the procedure by Brach and add an alkali metal carbonate, alkali metal hydroxide, or combinations thereof and expect to obtain a high yielding process for the synthesis of substituted metal-free phthalocyanines.

### ***Conclusion***

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN MCDOWELL whose telephone number is (571)270-5755. The examiner can normally be reached on Monday-Thursday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BEM/

**/James O. Wilson/  
Supervisory Patent Examiner, AU 1624**

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